

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF SPRINTCOM, INC.,)	
FOR ISSUANCE OF A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY)	CASE NO.
TO CONSTRUCT A PERSONAL)	2000-143-UAC
COMMUNICATIONS SERVICES FACILITY)	
IN THE CINCINNATI BASIC TRADING AREA)	
(SLAMMERS FACILITY))	

O R D E R

SprintCom, Inc. ("Applicant") has filed an application with the Commission requesting a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility in the Cincinnati Basic Trading Area (Slammers Facility).

The Boone County Planning Commission ("Intervenor") has requested intervention in this matter. The Commission finds that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

The Commission, on its own motion, has rescheduled the July 17, 2001 hearing in this matter to August 16, 2001 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky. In addition, the Commission modifies the procedural schedule as reflected herein.

The Intervenor is hereby notified that the hearing will be conducted pursuant to the evidentiary standards of KRS 278.650(4). All proposed alternative sites that the

Intervenors wish to be considered must be specifically identified and submitted to the Commission in writing, within 15 days of the date of this Order, if they are to be considered by the Commission. The location of proposed alternative sites must be submitted to the Commission within 15 days of the date of this Order even if they were previously identified by the Intervenors or others. Issues presented at this hearing by testimony and evidence are those relating to KRS 278.650(4), alternative sites, if any, engineering, design, construction, and safety of the facility, and the public necessity for the construction and operation of the facility.

In this proceeding and hearing, the Federal Communications Commission ("FCC") has exclusive jurisdiction over radio emissions, including radio frequency interference. The Commission will not consider the "environmental effects of radio frequency emissions" that comply with FCC standards. 47 U.S.C. § 332(c)(7).

Accordingly, IT IS THEREFORE ORDERED that:

1. The July 17, 2001 hearing on the proposed wireless telecommunications facility is rescheduled to August 16, 2001, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices, at 211 Sower Boulevard, Frankfort, Kentucky.
2. The motion to intervene of Boone County Planning Commission is granted.
3. Intervenors shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

4. Should the Intervenor file documents of any kind with the Commission in the course of these proceedings, they shall also serve a copy of said documents on all other parties of record.

5. Within 15 days of the date of this Order, Intervenor shall submit any alternative locations which they wish the Commission to consider.

6. During this proceeding and public hearing, it is understood and ordered that the FCC has exclusive jurisdiction over issues regarding radio frequency, including radio frequency interference, pursuant to 47 U.S.C. § 332(c) and Southwest Bell Wireless, Inc. v. Johnson County Board of Education, 1999 F. 3d 1185 (10th Cir. 1999).

7. Issues to be addressed at the hearing by testimony and evidence are those relating to KRS 278.650(4), alternative sites, if any, engineering, design, construction, and safety of the facility, and the public necessity for the construction and operation of the facility.

8. Applicants shall appear at the hearing and shall be prepared to present testimony and evidence regarding the matters set out herein, including safety and public necessity issues.

9. Neither opening statements nor witnesses' summaries of prefiled testimony shall be permitted at the hearing.

10. Any interested person shall have the opportunity to present testimony or comment on the proposed facility.

11. Prefiled testimony, if any, shall be filed within 30 days of the date of the Order.

12. Provisions in previous Orders, to the extent that they conflict with the provisions herein, are hereby rescinded.

Done at Frankfort, Kentucky, this 3rd day of July, 2001.

By the Commission

ATTEST:


Executive Director